

REMARKS

Claims 1-4 and 7-9 have been examined and have been rejected under 35 U.S.C. § 102(b). Claims 1-4 and 7-9 have also been rejected under 35 U.S.C. § 102(e).

I. Preliminary Matters

On page 2 of the Office Action, the Examiner maintains that the claims contain mostly intended use recitations. The claims, however, clearly recite structure which relates to the packaging carton, single pad, hole or cooperation among the three. A portion of the claims which may potentially be deemed as “intended use” is the recitations regarding the fact that a “product” will be placed in the package. The actual provision of the deaerating-duct insertion opening, however, relates to the structure of the packaging system. Thus, Applicant submits that the Examiner’s assertions in this regard are in error.

II. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 2002/0189970 to Koike (“Koike”).

The Examiner has rejected claims 1-4 and 7 under 35 U.S.C. § 102(b) as allegedly being anticipated by Koike.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the packaging system has, “a deaerating-duct having deaerating nozzles formed thereon for sucking air,” and “ wherein said nozzles are inserted into said hole for deaeration via a deaerating-duct insertion opening formed through said packaging carton.”

Applicant submits that Koike fails to disclose a duct having nozzles, nor that the nozzles are inserted into a deaeration hole, as set forth in claim 1.

Furthermore, on page 8 of the present Office Action, the Examiner again provides arrows to Figure 1 of Koike and maintains that the arrows point to all of the alleged holes of claim 1. On page 7 of the Office Action, the Examiner provides definitions of the term “hole” and maintains that the indentations or spaces of Koike form a hole. In view of the Examiner’s continued assertion that the indentations or spaces of Koike disclose the claimed hole, it appears that the Examiner is disregarding certain features recited in claim 1. For example, claim 1 recites that the hole penetrates through a first and second surface of the pad. None of the alleged holes of Koike actually penetrate through a first and second surface. Rather, all of the alleged holes of Koike are merely indentions or spaces provided in either the first *or* second surface.

Furthermore, Applicant notes that the claimed features are not “intended use” recitations. For example, the hole feature is clearly directed toward a structural aspect of the single pad (i.e., it is a hole that penetrates the first and second surfaces of the pad).

In view of the above, Applicant submits that claim 1 is patentable over the Koike reference. In addition, Applicant incorporates herein all arguments previously presented in the Amendments of July 26, 2007 and August 9, 2007 regarding the Koike reference.

B. Claims 2-4 and 7

Applicant submits that claims 3, 4 and 7 are patentable at least by virtue of their dependency.

Since claim 2 has been canceled, without prejudice or disclaimer, the rejection of such claim is now moot.

III. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No.: 5,934,473 to Belshé (“Belshé”)

The Examiner has rejected claims 1-4 and 7-9 under 35 U.S.C. § 102(b) as allegedly being anticipated by Belshe.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the packaging system has, “a deaerating-duct having deaerating nozzles formed thereon for sucking air,” and “ wherein said nozzles are inserted into said hole for deaeration via a deaerating-duct insertion opening formed through said packaging carton.”

Applicant submits that Belshe fails to disclose any sort of duct having nozzles, nor that the nozzles are inserted into a deaeration hole, as set forth in claim 1.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 2

Since claim 2 has been canceled, without prejudice or disclaimer, the rejection of such claim is now moot.

C. Claims 3, 4 and 7-9

Applicant submits that claims 3, 4 and 7-9 are patentable at least by virtue of their dependency.

IV. Rejection under 35 U.S.C. § 102(e) over U.S. Patent No.: 7,128,208 to Hull (“Hull”)

The Examiner has rejected claims 1-4 and 7-9 under 35 U.S.C. § 102(e) as allegedly being anticipated by Hull.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the packaging system has, “a deaerating-duct having deaerating nozzles formed thereon for sucking air,” and “ wherein said nozzles are inserted into said hole for deaeration via a deaerating-duct insertion opening formed through said packaging carton.”

Applicant submits that Hull fails to disclose any sort of duct having nozzles, nor that the nozzles are inserted into a deaeration hole, as set forth in claim 1.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 2

Since claim 2 has been canceled, without prejudice or disclaimer, the rejection of such claim is now moot.

C. Claims 3, 4 and 7-9

Applicant submits that claims 3, 4 and 7-9 are patentable at least by virtue of their dependency.

V. Newly Added Claims

By this Amendment, Applicant has added claims 10-12 to provide more varied protection of the present invention.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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